

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

---

ANNE SMITHERS and HENRY WILEY by his  
mother and next friend ANNE SMITHERS

**Civil Action No. 1:18-cv-00676**

Plaintiffs,

- against -

FRONTIER AIRLINES INC.

Defendant.

---

**Motion to Strike Defendant's Objections  
to Scope of 30(b)(6) Testimony, Affirm  
That Testimony Within the Scope of the  
Notice is Binding, and to Award Costs  
for this Motion**

**Please take notice** that the Plaintiffs in the above-styled action by their undersigned counsel hereby move this Honorable Court for an order striking Defendant's objections to Plaintiffs' Notice of 30(b)(6) deposition, affirming that the testimony provided within the scope of Plaintiffs' Notice is binding on the corporation, and to award costs for this motion. As further elaborated upon in Plaintiffs' accompanying Memorandum of Points and Authorities in Support of Its Motion, the proper way for Defendant to have opposed Plaintiffs' Notice was with a protective order. Instead, Defendant served lengthy objections on Plaintiffs. Not only were these objections late to preserve them for later motion practice – more than 15 days after Plaintiffs served their notice on Defendant – but they were, in fact, served while Plaintiffs' counsel was in the air en route to the deposition, leaving Plaintiff with no option but to proceed with the deposition. As a result, the deposition was extremely hampered by Defendant's attorneys constantly seeking to stand on their improper objections or claiming that the witness was only testifying in his personal capacity. Plaintiffs consequently seek the costs of this motion.

**LR 37(e) Statement of Counsel.**

Plaintiffs' counsel hereby certifies that multiple attempts were made at Plaintiffs' 30(b)(6) deposition to resolve this dispute and it was agreed that parties were at an impasse requiring the intervention of the Court.

Dated: Charlottesville, Virginia

April 26, 2019

/s/ William T. Woodrow

William T. Woodrow III  
Stone & Woodrow LLP  
250 West Main St., Suite 201  
Charlottesville, Virginia 22902  
T. 855-275-7378  
*Attorneys for Plaintiff*

To: CHARLSON BREDEHOFT COHEN & BROWN, P.C.  
Elaine Charlson Bredehoft  
11260 Roger Bacon Drive, Suite 201  
Reston, VA 20190  
T. (703) 318-6800  
*Attorneys for Defendant*

**Certificate of Service**

I hereby certify that on the 26th day of April, 2019, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

CHARLSON BREDEHOFT COHEN & BROWN, P.C.  
Elaine Charlson Bredehoft  
11260 Roger Bacon Drive, Suite 201  
Reston, VA 20190  
T. (703) 318-6800  
*Attorneys for Defendant*

Charlottesville, VA April 26, 2019

By: /s/ William T. Woodrow

William T. Woodrow III, Esq.  
Stone & Woodrow LLP  
Suite 201, Lewis & Clark Plaza  
250 West Main Street  
Charlottesville, VA 22902  
[will@stoneandwoodrowlaw.com](mailto:will@stoneandwoodrowlaw.com)  
Telephone +1 855 275 7378/Fax +1 646 873 7529